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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,378	03/01/2002	Robert Anthony Luciano JR.	GLF-01-001-CIP.1	4672

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EXAMINER	
MOSSER, ROBERT E	
ART UNIT	**PAPER NUMBER**
3714	

DATE MAILED: 02/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,378	LUCIANO, ROBERT ANTHONY	
	Examiner	Art Unit	
	Robert Mosser	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-38 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-38 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 03-01-2002 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 4-6, 8-9, 11, 13, 16-21, 23, 25-29, 31, 33-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helderman (US 5,743,815) in view of Vincent (US 5,102,140).

Regarding claims 1, 8-9, 11, 20-21, 23, 33-35 and 37. Helderman teaches the use of a golf ball identification system including targets comprising the entry, exit and guide portion as so claimed (Col 5:1-4), the use of RFID tags (Col 1:44-47), the use of two RFID readers per target (Col 4:60-63), a sign for allowing players to see their scores or standings (72), and a computer (server as so claimed) containing a data base for storing calculated player with associated player ball data (Col 1:48-52).

Helderman however is silent on the incorporation of game based on a pari-mutuel pool as so claimed. In a similar golf system Vincent teaches the use of a pari-mutuel pool (Col 1:25-28 & 3:49-54). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the pari-mutuel prize feature of Vincent in the golf game of Helderman in order reward players with exemplary games and/or achieving a hole-in-one.

Regarding claim 4 and in addition to the above stated. The invention of Helderman teaches the use of the RFID reader in the dispensing of the golf ball, the assignment of said golf ball to a player, and the recording of the assignment at the time of dispensing which reads on the detection of a ball placed on the launch area (Col 5:5-15 & Col 5:38-50) wherein the processing/storage device (Elm 32) is understood as the claimed server.

Regarding claims 5, 6, 13, and 19, and in addition to the above stated. The invention of Helderman teaches the use of multiple inter connected processing/storage devices (Col 3:63-65 & Col 4:4-8 & Col 5:38-50) operable in communication with each other and where in one of the servers contains a database configured to hold data target in association with player data (account data) and where the results maybe displayed to all users with in view of a sign (Elm 72) or authorized users as understood.

Regarding claim 16, 17, 25-29, 31 and in addition to the above stated. Helderman teaches the association with a set of balls to a players name (Specific players account) or a number (anonymous) as so claimed (Col 5:8-14).

Regarding claim 18 in addition to the above stated. The association of a set of ball IDs with an account further comprises associating a set of ball ID's into a group and allowing the group to be accessible using a ball ID contained there in, is deemed a matter of design choice wherein no stated problem solved or unexpected result obtained in the claimed invention that has not been provided for in the rejection of claims 5,6,13 and 19 above under the invention of Helderman/Vicent.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helderman (US 5,743,815) in view of Vincent (US 5,102,140) as applied to claim 1 in yet further view of Majkrzak et al (US 3,828,353).

The invention of Helderman/Vincent teaches the use of the RFID reader in the target assembly described above but is silent regarding the type of antennas used in the assembly. Majkrzak et al teaches a helix-coilform antenna as so claimed. It would have been obvious for one of ordinary skill in the art at the time of invention to have used the antenna of Majkrzak in the RFID readers of Helderman/Vincent in order conserve space in the target assembly.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helderman (US 5,743,815) in view of Vincent (US 5,102,140) as applied to claim 1 in yet further view of Born et al (US 5,949,679)

In addition to the above stated, the invention of Helderman/Vincent teaches the use of a scoreboard (72) for displaying game related data but is silent on the use a

WWW server or equivalently the Internet. Born et al however discloses the use of the internet for displaying and tracking the performance of players in golf related games (Col 19:44-52). It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the web based performance tracking system of Born et al in the invention of Helderman/Vincent in order to increase access to player data.

6. Claims 10, 12, 14, 15, 20, 22, 24, 30, 32, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helderman (US 5,743,815) in view of Vincent (US 5,102,140) as applied to claim 1 in yet further view of Takagi (US 5,513,841).

Regarding claims 10, 12, 22, 24, 30, 32, 36, 38 in addition to the above stated. The invention of Helderman/Vicent is silent regarding the use of mobile targets in their golf game. Takagi however in a similar golf game teaches the use of mobile targets in a golf game related to competition (Figures 1, 7, 9, 10). It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the moving targets of Takagi in the invention of Helderman/Vicent in order to allow competition at different ranges.

Regarding claim 14 in addition to the above stated. Takagi teaches the purchasing off balls from a vendor as a conventional method (Col 1:20-23).

Regarding claim 15 in addition to the above stated. The ownership of the balls by the player is deemed a matter of design choice wherein no stated problem solved or unexpected result obtained in the claimed invention that has not been provided for in the rejection of claim 14 above under the invention of Helderman/Vicent/Takagi.

Conclusion

7. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jolifee et al (US 6,607,123) teaches a method of identifying golf balls.

Bertoncino (US 5,439,224) teaches a driving range with automated scoring.

Nichols et al (6,569,028) teaches a golf driving range.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

JESSICA HARRISON
PRIMARY EXAMINER